

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:

David A. Bertus

Debtor

David A. Bertus,

Movant

vs.

Rushmore Loan Management Services LLC,  
successor to Residential Credit Solutions, Inc., and  
Ditech Financial LLC, f/k/a Green Tree Servicing  
LLC,

Respondent

NO. 11-26115-JAD

CHAPTER 13

Doc. No. 237

Related to Documents 201, 212, 216, 219,  
223, 225, 228, 229

**STIPULATION AND ORDER AS TO DEBTOR'S MOTION TO DETERMINE THAT  
ALL ARREARS HAVE BEEN CURED AND THAT DEBTOR IS FULLY CURRENT ON  
OBLIGATIONS OWED TO RESIDENTIAL CREDIT SOLUTIONS, INC., INCLUDING  
ANY ASSERTED CLAIM FOR AN ESCROW DEFICIENCY**

AND NOW, come the undersigned parties, by and through their respective counsel, and  
enter into the following Stipulation:

WHEREAS, Debtor has filed a motion seeking a determination that all prepetition  
mortgage obligations have been cured, as well as a determination of the amount of his post-  
petition mortgage payment (doc. 201);

WHEREAS, the Respondents are the present and former servicers of the mortgage  
obligation on Debtor's property located at 7313 Beacon Hill Road, Pittsburgh, PA 15221;

WHEREAS, On January 16, 2017, the obligation was service transferred from Ditech  
Financial LLC to Rushmore Loan Management Services LLC, which is the present servicer of  
the mortgage;

WHEREAS, the mortgage is presently held by Wilmington Savings Fund Society, FSB,  
d/b/a Christiana Trust, not individually but as trustee for Pretium Mortgage Acquisition Trust;

WHEREAS, the proof of claim filed on February 20, 2012 in connection with this obligation (13-1) did not include \$20,427.25 in prepetition escrow advances in the claim for prepetition arrears;

WHEREAS, the monthly post-petition mortgage payment of \$449.54 indicated in the proof of claim and paid during the course of Debtor's Chapter 13 case represented principal and interest, only, and did not include an escrow payment;

WHEREAS, notices of mortgage payment change filed on November 10, 2012 and on August 19, 2013 were disallowed by the Court;

WHEREAS, the notice of mortgage payment change filed October 28, 2014, increasing the amount of the mortgage payment to \$642.43 effective December 1, 2014 (doc. 117), was not objected to and was therefore allowed by the Court by order entered October 29, 2014 (doc. 119), but was never implemented;

WHEREAS, the prepetition arrears asserted in the proof of claim in the amount of \$22,599.00 have been paid in full;

WHEREAS, the Chapter 13 Trustee's records reflect that the post-petition mortgage obligation is current through June 2016;

WHEREAS, as of February 22, 2017, the Chapter 13 Trustee was holding funds in the amount of \$30,082.51 from payments made by the Debtor into his Chapter 13 plan;

WHEREAS, the parties wish to resolve their disputes and differences regarding any amounts owed on this obligation.

It is therefore Stipulated and agreed as follows:

1. The mortgage holder shall write off the sum of \$36,365.84 to bring the mortgage obligation current through June 2016.

2. The mortgage holder will waive all claims to funds held by the Chapter 13 Trustee for prepetition escrow advances and for post-petition escrow advances through November 2014.
3. The mortgage holder shall be paid the total sum of \$12,115.21 from funds being held by the Chapter 13 Trustee, as follows:
  - a. \$3,664.91 representing the escrow payment of \$192.89 for the months of December 2014 through June 16, 2016 that the mortgage holder was to have received pursuant to the notice of mortgage payment change filed October 28, 2014;
  - b. \$5,781.87 representing loan payments of \$642.43 for the months of July 2016 through March 2017;
  - c. \$2,668.43 representing escrow advances from July 2016 through March 2017 (school tax of \$2,363.89 paid August 5, 2016; county tax of \$304.54 paid February 13, 2017).
4. The payment described in Paragraph 3 shall be made payable to "Rushmore Loan Management Services LLC" and mailed to: Rushmore Loan Management Services, P.O. Box 52708, Irvine, CA 92619-2708.
5. Upon receipt of the payment from the Chapter 13 Trustee described in paragraph 3, above, the Debtor's mortgage obligation shall be considered current through March 2017, and the mortgage holder's records shall be adjusted accordingly.
6. Upon applying the funds received from the Chapter 13 Trustee, Rushmore Loan Management Services LLC shall perform an escrow analysis and shall provide notice to the Debtor within 15 days of any change in the mortgage payment.

Consented to by:

/s/ John P. Lacher, Esquire  
John P. Lacher, Esquire

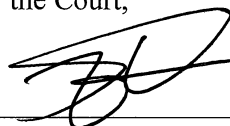
/s/ James C. Warmbrodt, Esquire  
James C. Warmbrodt, Esquire

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It is hereby ORDERED that the parties' Stipulation be and hereby is APPROVED.

By the Court,



3.28.2017

Jeffery A. Deller  
Chief U.S. Bankruptcy Judge

FILED  
3/29/17 9:06 am  
CLERK  
U.S. BANKRUPTCY  
COURT - WDP

## Imaged Certificate of Notice Page 5 of 5

United States Bankruptcy Court  
Western District of PennsylvaniaIn re:  
David A. Bertus  
DebtorCase No. 11-26115-JAD  
Chapter 13**CERTIFICATE OF NOTICE**

District/off: 0315-2

User: gamr  
Form ID: pdf900Page 1 of 1  
Total Noticed: 1

Date Rcvd: Mar 29, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 31, 2017.

db #+David A. Bertus, 7313 Beacon Hill Drive, Pittsburgh, PA 15221-2552

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
NONE. TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update.  
While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.****Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Mar 31, 2017

Signature: /s/Joseph Speetjens**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 29, 2017 at the address(es) listed below:

Alexandra Teresa Garcia on behalf of Creditor Residential Credit Solutions, Inc.  
ecfmail@mwclaw.com

Andrew J. Bosh on behalf of Creditor Beacon Hill Townhouse Condominiums abosh@dornish.net

James Warmbrodt on behalf of Creditor Rushmore Loan Management Services LLC  
bkgroup@kmlawgroup.com

James Warmbrodt on behalf of Creditor Ditech Financial LLC fka Green Tree Servicing LLC  
bkgroup@kmlawgroup.com

Joseph A. Dessoye on behalf of Creditor OCWEN LOAN SERVICING, LLC pawb@fedphe.com

Kevin H. Buraks on behalf of Creditor Wilkinsburg School District kburaks@portnoffonline.com

Leslie J. Rase, Esq. on behalf of Creditor OCWEN LOAN SERVICING, LLC lrased@sterneisenberg.com,  
ddelvechchio@sterneisenberg.com;dbogucki@sterneisenberg.com

Matthew Gregory Brushwood on behalf of Creditor Ocwen Loan Servicing, LLC pawb@fedphe.com

Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov

Peter J. Ashcroft on behalf of Creditor Duquesne Light Company pashcroft@bernsteinlaw.com,  
ckutch@ecf.courtdrive.com;pashcroft@ecf.courtdrive.com;pghecf@bernsteinlaw.com;cabbott@ecf.courtdrive.com

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Ronda J. Winnecour cmecf@chapter13trusteedpa.com

Sherri J. Braunstein on behalf of Creditor OneWest Bank, FSB sbraunstein@udren.com,  
vbarber@udren.com

TOTAL: 13